

Attorney:  
CHRISTINA M. PAUL  
K&L GATES  
599 LEXINGTON AVENUE  
NEW YORK NY 10022



UNITED STATES DISTRICT COURT, NORTHERN DISTRICT  
OF NEW YORK

SARAH MATTHEWS, ET AL  
Plaintiff

Index / case #: 6:24-CV-00202

# AFFIDAVIT OF SERVICE

BRUNSWICK CORPORATION D/B/A MERCURY MARINE, BY AND THROUGH ITS  
AGENTS, OFFICERS, AND/OR EMPLOYEES  
Defendant

Onondaga County, State of: New York Michelle Meyer being sworn,  
says: Deponent is not a party herein, is over the age of 18 years and resides in the State of: New York

On 10/15/24 at 3:15 am/pm at: 125 EAST JEFFERSON STREET SUITE 900 SYRACUSE NY 13202

Deponent served the within: THIRD-PARTY SUMMONS; THIRD-PARTY COMPLAINT; CIVIL DOCKET; UNIFORM  
PRETRIAL SCHEDULING ORDER; CIVIL CASE MANAGEMENT PLAN; GENERAL ORDER #26, CIVIL CASE ASSIGNMENT & FILING ORDER; COMPLAINT

On which were set forth the Index No., herein, and date of filing

On: TIMOTHY J. DEMORE DEMORE LAW FIRM  
(herein after called the recipient) therein named.

- ☐ Individual By delivering a true copy of each to said recipient personally; Deponent knew the person so served to be the person described in as said recipient therein
- ☐ Suitable Age person By delivering thereat a true copy of each to: \_\_\_\_\_  
a person of suitable age and discretion. Said premises is recipients [ ] Actual Place of Residence  
[ ] Actual Place of Business within the State.
- ☐ Affixing to Door By affixing a true copy of each to the door of said premises which is recipients [ ] Actual Place of Residence  
[ ] Actual Place of Business, within the State  
Deponent was unable with due diligence to find recipient or person of suitable age and discretion thereat having called there
- ☒ Corporation or Partnership By delivering thereat a true copy of each to: Timothy J. Demore  
personally. Deponent knew said corporation / partnership so served to be the corporation / partnership described in said  
aforementioned document as said recipient and knew said individual to be Managing agent thereof.
- ☐ Mailing Within 20 days of such delivery, or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed  
to recipient at recipients last known [ ] Actual Place of Residence [ ] Actual Place of Business  
at \_\_\_\_\_  
and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within  
New York State. The envelope bore the legend "personal and confidential" and did not indicate on the outside, thereof  
by return address or otherwise that the communication was from an attorney or concerned an action against the defendant.
- ☒ Description [X] Male [X] White skin [ ] Black hair [ ] 14-20 Yrs [ ] Under 5' [ ] Under 100 Lbs  
[ ] Female [ ] Black skin [ ] Brown hair [ ] 21-35 Yrs [ ] 5'0"-5'3" [ ] 100-130 Lbs  
[ ] Yellow skin [ ] Gray hair [ ] 36-50 Yrs [ ] 5'4"-5'8" [ ] 131-160 Lbs  
[ ] Brown skin [X] Blonde hair [X] 51-65 Yrs [X] 5'9"-6'0" [X] 161-200 Lbs  
[ ] Red skin [ ] Red hair [ ] Over 65 Yrs [ ] Over 6' [ ] Over 200 Lbs
- Other Identifying Features \_\_\_\_\_
- ☒ Military Service I asked the person spoken to whether recipient was in active military service of the United States or the State of  
New York in any capacity whatever and received a negative reply. The source of my information and the grounds of my belief  
are the conversations and observations above narrated.

☐ Subpoena Fee Tendered in the amount of \_\_\_\_\_

☐ \_\_\_\_\_

Sworn to before me on 12<sup>th</sup> day of October, 2024

JENNA R. SPENDLE  
Notary Public, State of New York  
No. 01SP6218100  
Qualified in Onondaga County  
My Commission Expires March 1, 2028

Michelle Meyer  
(Print name below signature)  
Michelle Meyer

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

-----X  
SARAH MATTHEWS and JEFFREY MATTHEWS, :  
Individually, and as Parents and Natural Guardians of :  
M.M. 1, an infant under the age of 18 years and M.M. :  
2, an infant under the age of 18 years, :

Case No. 6:24-CV-0202  
(DNH/TWD)

Plaintiffs, :

-against- :

BRUNSWICK CORPORATION d/b/a MERCURY :  
MARINE, by and through its Agents, Officers, and/or :  
Employees, :

Defendant. :

-----X  
BRUNSWICK CORPORATION d/b/a MERCURY :  
MARINE, by and through its Agents, Officers, and/or :  
Employees, :

Third-Party Plaintiff, :

-against- :

DAVID YOULEN, :

Third-Party Defendant. :  
-----X

**MERCURY MARINE'S THIRD-PARTY SUMMONS**

TO: David Youlen  
154 Gadwell Lane  
Manlius, NY 13104

A lawsuit has been filed against defendant Brunswick Corporation d/k/a Mercury Marine, by and through its Agents, Officers and/or Employees, which as third-party plaintiff is making this claim against you to pay part or all of what the defendant may owe to the plaintiff Sarah Matthews and Jeffrey Matthews, Individually, and as Parents and Natural Guardians of M.M. 1, an infant under the age of 18 years and M.M. 2, an infant under the age of 18 years.

Within 21 days after the service of this summons on you (not counting the day you received it) – or 60 days if you are the United States or a United States Agency, or an officer or

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employee of the United States described in Fed. R. Civ. P. 12(a)(2) or (3) – you must serve on the third-party plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the defendant or defendant's attorney, whose name and address are:

Christina M. Paul (admitted pro hac vice)  
K&L Gates LLP  
Southeast Financial Center  
200 South Biscayne Boulevard  
Suite 3900  
Miami, Florida 33131-2399  
Tel.: 305-539-3300

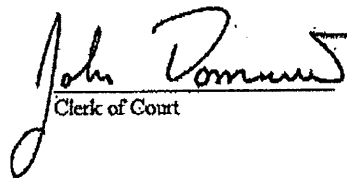
It must also be served on the plaintiff or plaintiff's attorney, whose name and address are:

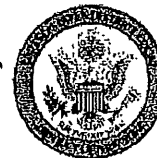
Timothy J. DeMore  
DeMore Law Firm  
125 East Jefferson Street  
Suite 900  
Syracuse, New York 13202  
Tel.: 315-413-7002

If you fail to respond, judgment by default will be entered against you for the relief demanded in the third-party complaint. You also must file the answer or motion with the court and serve it on any other parties.

A copy of the plaintiff's complaint is also attached. You may – but are not required to – respond to it.

Dated: October 10, 2024

  
Clerk of Court



s/ Helen M. Reese

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Signature of Clerk or Deputy Clerk